

**MINUTES OF THE LAFAYETTE COMMON COUNCIL
NOVEMBER 9, 1998
REGULAR SESSION**

The Common Council of the City of Lafayette, Indiana met in Regular Session on Monday, November 9, 1998, at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Probasco called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

President Probasco explained that due to Ron Alting's election to the Indiana State Senate, Mr. Alting resigned his Common Council position effective on November 4, 1998, and since Councilman Probasco was President Pro-Tem, he has now assumed the position as President of the Common Council.

The following members were:

Present: Boehning, Meyer, Campbell, Downie, Rhoda, Fisher, Smith, Probasco
Absent: None

Councilman Campbell moved to recess for a Public Hearing on Ordinance 98-60, Councilman Fisher seconded. The motion passed by unanimous voice vote. The Clerk read Ordinance 98-60 (An Ordinance Vacating a Portion of a Public Way Known as 1st Street, Vacating all Easements therein and Designating the Time when the Same Shall Take Effect, Dunn & Hargitt, Inc., Petitioner) by title only. Richard Boehning, representing the petitioner, stated that he was present if there were any questions. There was no public comment. Councilman Campbell moved to reconvene the regular session, Councilman Smith seconded. The motion to reconvene passed by unanimous voice vote.

Councilman Fisher moved to approve the minutes of the September 30, 1998 Special Session and the October 5, 1998 Regular Session, Councilman Meyer seconded. The minutes were approved by unanimous voice vote.

The Clerk stated that there were no Presentations or Disposal of Claims or Presentations of Petitions or Communications.

The Clerk stated that the following reports are available in the Clerk's Office:

Clerk's Office Monthly Reports-- September and October 1998
Controllers Monthly -- September and October 1998
Motor Vehicle Report -- September 1998
Police Traffic Report -- January through September 1998
Police 1997 Annual Report
Miscellaneous Monthly Department Reports

Ordinances for Second Reading:

The Clerk read Ordinance 98-60 (An Ordinance Vacating a Portion of a Public Way Known as 1st Street, Vacating all Easements therein and Designating the Time when the Same Shall Take Effect, Dunn & Hargitt, Inc., Petitioner) by title only for second and final reading. Councilman Rhoda moved for passage, Councilman Meyer seconded. Councilman Boehning excused herself from voting on Ordinance 98-60 due to a possible conflict of interest. Ordinance 98-60 passed 6-0 on a roll call vote, with Councilman Boehning abstaining from the vote.

Ordinances for First Reading:

The Clerk read Ordinance 98-61 (An Ordinance Transferring Funds within the Fire Department) by title only for first reading. Councilman Fisher moved for passage, Councilman Downie seconded. Jeff McCoy, Fire Chief, explained a scrivener's error in that the account number should be 10-420 be instead of 10-240. Chief McCoy also requested that the ordinance be heard for second and final reading to expedite the transfer. Councilman Campbell moved to accept the scrivener's error, Councilman Fisher seconded. The motion passed by unanimous voice vote. Ordinance 98-61 passed 7-0 on a roll call vote. Councilman Boehning moved to suspend the rules to hear Ordinance 98-61 on second and final reading, Councilman Campbell seconded. The motion to suspend the rules passed 7-0 on a roll call vote. Councilman Smith moved to hear Ordinance 98-61 on second and final reading, Councilman Fisher seconded. Ordinance 98-61 passed 7-0 on a roll call vote on second and final reading.

The Clerk read Ordinance 98-62 (An Ordinance Amending Chapters 3 and 4 of Ordinance 97-51 Being the Unified Zoning Ordinance of Tippecanoe County) by title only for first and final reading. Councilman Meyer moved for passage, Councilman Rhoda seconded. Councilman Rhoda stated that this is the amendment that council had requested regarding restricting the use of first floor residential units in the central business district in the downtown. Councilman Rhoda explained the proposed amendment to remove "CB and" from NUZO. Councilman Boehning noted that this would change NUZO back to the original language prior to amendment. Jim Hawley, Executive Director of the APC, explained that this would in fact bring back the original language that would permit first floor residences in the central business district. Councilman Campbell asked how to prevent residential units on the first floor and Mr. Hawley stated that this ordinance would need to be defeated. Councilman Meyer asked if there was public input when the issue was presented to APC and Councilman Rhoda explained. Discussion ensued. Councilman Meyer asked how restricting of residential units would effect current downtown projects. Sherry McLauchlan, Community Development Director, stated those current projects and residential units would not be effected but there could be some discussion in the future about how to address possible restrictions. Councilman Boehning indicated that she would like discussion about this issue in the future. Ms. McLauchlan stated that there could be a carefully worded proposal to address restrictions for first floor residential units. Ordinance 98-62 passed 5-2 on a roll call vote with the vote being as follows:

Ayes: Boehning, Meyer, Downie, Fisher, Smith

Nays: Campbell, Rhoda

The Clerk read Ordinance 98-63 (An Ordinance Amending Chapters 1, 3, 4, 5 and 6 of Ordinance 97-51 Being the Unified Zoning Ordinance of Tippecanoe County) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Smith seconded. Councilman Rhoda explained the proposal. Ordinance 98-63 passed 7-0 on a roll call vote.

The Clerk read Ordinance 98-64 (An Ordinance to Vacate a Portion of a Public Way in the City of Lafayette, Indiana, Habitat for Humanity, Petitioner) by title only for first reading. Councilman Smith moved for passage, Councilman Campbell seconded. Councilman Rhoda stated that Habitat for Humanity has requested that this ordinance be tabled and moved to table the ordinance until December 7, Councilman Smith seconded. The motion to table Ordinance 98-64 passed 7-0 on a roll call vote.

The Clerk read Ordinance 98-65 (An Ordinance to Create Chapter 4.16 of the Code of General Ordinance of the City of Lafayette Relating to Citizens Band Radios) by title only for first reading. Councilman Downie moved for passage, Councilman Rhoda seconded. Councilman Boehning moved to accept two scrivener's errors on page 5, section 12 which should read "persons" instead of "personal" and also in section 13 "CN" should be "CB", Councilman Campbell seconded. The scrivener's errors were accepted by unanimous voice vote. Linda Allen, 916 N. 10th Street, spoke in favor of the ordinance and played a portion of a tape-recorded telephone conversation that included interference from CB equipment. Mark Pearson, 911 N. 9th Street, spoke in opposition to the ordinance. Kevin

Craw, 2101 S. 9th Street, spoke in opposition to the proposal. Marty Smith 212 Lincoln Street, spoke in opposition. Dan Smith 1709 Dearborn, spoke in opposition. Connie Ganshorn, 208 Lincoln Street, spoke in favor of the ordinance. Greg Dean, West Lafayette, Wabash Township Board, stated that enforcement by the federal government is weak and is forcing local government to enforce the federal laws. William Batley Jr., 105 Cochise Trail Apartment 315, spoke in opposition. Scott Surber (?), 1425 Oak Court, spoke in opposition. Ron Butcher, 2911 Greenbush Street, spoke in opposition. Dennis Cook, Underwood Street, spoke in opposition. Travis Reed, 909 S. 9th Street, spoke in opposition. Esther Hicks, 1001 S. 28th Street, spoke in opposition. Tom Clugh (?), 2100 Banstead Court, spoke in opposition. Linda Allen, Kevin Craw, Greg Dean, Pat Hall, 901 S. 18th Street, Dennis Cook, and Travis Reed made additional comments. Councilman Smith moved to amend the ordinance on page 5, section 13 to add “improperly” in the first sentence after “shall,” Councilman Meyer seconded. The amendment passed by unanimous voice vote. Councilman Meyer asked for clarification on FCC rules. Eric Burns, City Attorney, explained several parts of the proposal. Councilman Boehning clarified that this proposal is an attempt to enforce laws that already exist. Councilman Meyer stated that the intent is not to restrict use of CB’s but to restrict interference and profane language. Ordinance 98-65, as amended, passed 7-0 on a roll call vote.

The Clerk read Ordinance 98-66 (An Ordinance Annexing a Certain Area into the City of Lafayette, Indiana - Landis–Gyr) by title only for first reading. Councilman Downie moved for passage, Councilman Campbell seconded. Mayor Heath stated that there has been discussion with Landis-Gyr regarding the possibility of expanding their Lafayette operation. Mayor Heath stated that the annexation would move them into the Lafayette Urban Enterprise Zone in order to offer more incentives for their business. Ordinance 98-66 passed 7-0 on a roll call vote.

Councilman Campbell moved to set a public hearing on Ordinance 98-66 for 7:01 p.m. on December 7, 1998, Councilman Rhoda seconded. The motion passed by unanimous voice vote.

The Clerk read Ordinance 98-67 (An Ordinance Establishing the Budget for the Lafayette Railroad Relocation Project for the Fiscal Year Beginning January 1, 1999 and ending December 31, 1999) by title only for first reading. Councilman Downie moved for passage, Councilman Fisher seconded. Liz Solberg, Railroad Relocation Director, stated that Mayor Heath has been working closely with Congressman Ed Pease to obtain federal funding for the completion of the project. Ms. Solberg explained the detail of the budget. Ordinance 98-67 passed 7-0 on a roll call vote.

Resolutions:

The Clerk read Resolution 98-22 (A Resolution Ratifying and Approving the Designation of an Economic Revitalization Area for Tax Abatement, Lafayette Quality Products) by title only for first reading. Councilman Campbell moved for passage, Councilman Fisher seconded. Mike Brooks, President of Greater Lafayette Progress, explained information requested at caucus regarding zoning issues and the need to request zoning changes. Councilman Campbell stated that he hoped that the APC representatives would support the zoning proposals. Ordinance 98-22 passed 7-0 on a roll call vote.

Councilman Meyer moved to set a public hearing on Resolution 98-22 for 7:02 p.m. on December 7, 1998, Councilman Fisher seconded. The motion passed by unanimous voice vote.

Reports of Standing Committees: There were no reports.

Reports of Special Committees: There were no reports.

Report by Mayor: Mayor Heath commented on the previous tax abatement. The Mayor stated that the city has hired Kerry Smith as the new Water Works superintendent. Mayor Heath also stated that Edie Pierce Thomas has been chosen to replace retiring Housing Authority Executive Gini Webb, and Mayor Heath thanked Gini for her many years of service. Mayor Heath stated that the current tax rate of \$2.57

has been maintained with the State Board of Tax Commissioners for 1999. Mayor Heath reported that South 9th Street is now open and new signals are ready to go up at other intersections throughout the city. Mayor Heath stated that he is leaving Wednesday to go to Ota City Japan to celebrate their 50th anniversary as a city.

Miscellaneous and New Business: Councilman Meyer stated that he is still studying the issue of demolition permits for historic structures and would like this issue to be addressed by the ordinance committee. President Probasco directed the ordinance committee to convene to discuss the issue.

Reports of Councilmen: There were no reports.

Public Comment: Sylvia Giles, 1704 Dearborn Drive, thanked council for passing the ordinance regarding CB radios.

Councilman Boehning moved to set a public hearing on Ordinance 98-67 (Railroad Relocation Budget) for 7:03 p.m. on December 7, 1998, Councilman Meyer seconded. The motion passed by unanimous voice vote.

Councilman Rhoda stated that he recommended Mike Smith for the Mayor's APC appointment to replace Ron Alting.

Councilman Campbell stated very proudly that his grandson has been chosen as a President's Honor guard in the Marines.

There being no further business to come before the Council, Councilman Campbell moved to adjourn, Councilman Rhoda seconded. The Motion passed by unanimous voice vote. Time being 8:32 p.m.

Minutes prepared by Lisa Decker, City Clerk.

A tape recording of this council meeting is maintained in the City Clerk's Office.